IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.168 OF 2005

...

Hindustan Petroleum Corporation
Ltd. ...Petitioners

v/s.

M/s.Techno Mech Engineers
and Anr. ...Respondents

...

Mr.M.D.Siodia i/b Rustomji Ginwala for the Petitioners.

Mr.K.B.Adyanthaya i/b Umesh Shetty for Respondent No.1.

...

CORAM: D.K.DESHMUKH, J.

DATED: 11TH OCTOBER,2005

P.C.:

By consent of parties, the award impugned in the petition in so far as it awards an amount of Rs.1,47,683/- as penalty in relation to contract PO No.M-0617/LPG/LPP-252/AKS dated 3-8-1999 (Compound Wall) and the award in so far as it awards an amount of Rs.8,28,473/- as penalty in relation to contract PO No.M-0618/LPG/LPP-120/AKS dated 3-8-1999 (Civil structure) is set aside.

2. The Petitioner has agreed to appoint a new arbitrator in accordance with the contract to decide this aspect of the matter and it is agreed between the parties that the new arbitrator shall decide the dispute on the basis of the material which is already produced on record by both sides. Petition disposed of. No order as to costs.

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